

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Bighorn Construction & Reclamation,
LLC,
Plaintiff,
vs.
RES America Construction, Inc.,
Defendant.

ORDER

Case No. 1:21-cv-113

On August 3, 2022, the parties filed a Stipulated Scheduling/Discovery Plan. (Doc. No. 50).

The court **ADOPTS** the parties' stipulated plan (Doc. No. 50) and amends the pretrial deadlines as follows:

1. All written discovery will be completed by the following deadline, with all interrogatories, requests for production, and requests for admission to be served a minimum of thirty (30) days prior to the deadline: September 16, 2022.
2. The parties shall have until November 4, 2022, to complete discovery depositions of fact witnesses.
3. The parties shall have until December 9, 2022, to file discovery motions.
4. The deadlines for exchanging complete expert witness reports are as follows:
 - a. November 18, 2022, for parties seeking affirmative relief;
 - b. December 23, 2022, for experts responding to parties' affirmative claims;
 - c. January 13, 2023, for any rebuttal experts.
5. The parties shall have until January 27, 2023, to complete depositions of expert witnesses.

6. The parties shall have until December 30, 2022, to file dispositive motions (e.g. summary judgment).

The court, on its own motion, shall continue the trial presently scheduled for March 20, 2023.

The court finds it necessary to do so in order to ensure that it has adequate time to consider any dispositive motions and accompanying briefs that the parties' may file. Accordingly, the final pretrial conference set for March 7, 2023, shall be rescheduled for October 17, 2023, at 9:00 AM by telephone. To participate in the conference, the parties should call (877) 810-9415 and enter access code 8992581. The jury trial set for March 20, 2023, shall be rescheduled for October 30, 2023, at 9:30 AM in Bismarck (courtroom #1) before Judge Traynor. A seven (7) day trial is anticipated.

IT IS SO ORDERED.

Dated this 5th day of August, 2022.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court